

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD  
DOCKET NO. 11-1027

\_\_\_\_\_  
JRC Assisted Living, Inc,  
Appellant

v.

\_\_\_\_\_  
City of Peabody,  
Appellee  
\_\_\_\_\_

**BOARD'S DECISION ON APPEAL**

**Introduction**

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1. Appellant sought review of the City's decisions with respect to 780 CMR 705.8 and 1008.1.8.6(5) (8<sup>th</sup> Edition of the State Building Code) regarding doorway and signage changes in an addition to an assisted-living facility located at 240 Lynnfield Street, Peabody, MA.

**Procedural History**

On or about June 2, 2011, the City denied Appellant's application to amend a building permit, for the following reasons: "(1) 780 CMR 705.8 Fire wall Openings – Requires the aggregate width of openings at any floor level shall not exceed 25% of the length of the wall; (2) 780 CMR 1008.1.8.6(5) – Requires that all egress doors with delayed locks shall be provided with a sign on the door located above and within 12 inches of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS." The Board convened a public hearing on August 4, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

**Discussion**

The City did not oppose allowing a variance from 780 CMR 705.8. Among other considerations, the City and Appellant have agreed to increase sprinkler protection in the facility.

Appellant explained why it wanted to eliminate certain signage requirements of 1008.1.8.6(5). Concerns included security measures in light of the residents served, which can be individuals suffering from dementia/memory loss/alzheimers. Although some residents have cognitive impairments, they may be "high-functioning" and be able to read signs and be able to open doors which are supposed to be secure for their safety.

### Conclusion

The Board considered a motion to allow a variance from 780 CMR 705.8. (“Motion One”). Motion One was approved by a unanimous vote. The Board considered a motion to allow a variance to 1008.1.8.6(5), that signs will be determined by the Building Commissioner, which determinations shall include location and content and be on the condition that the Fire Department is consulted about the content, and that the delayed egress locks shall drop out at the appropriate alarm conditions as required by other portions of the Code (“Motion Two”). Motion Two was **approved** by a unanimous vote.



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H. Jacob Nunnemacher

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Brian Gale, Chair

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Alexander MacLeod

*Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.*

DATED: November 8, 2011